



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 3871-00
17 November 2000

[REDACTED]

Dear M [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 25 August 1981 at the age of 19. Your record reflects that you served for a year and six months without disciplinary infractions but on 10 February 1983 you received nonjudicial punishment (NJP) for disobedience and were awarded correctional custody for 25 days, reduction to paygrade E-2, and a suspended forfeiture of pay. On 8 March 1984 you received NJP for failure to obey a lawful order and were awarded a \$200 forfeiture of pay. On 15 January 1985 you received your third NJP for wrongful use of cocaine. The punishment imposed was restriction for 30 days, a \$694 forfeiture of pay, and a reduction in rate.

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. The discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 15 March 1985 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth and immaturity. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your three NJPs and especially your drug related misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director